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EXAMINER

MEDLEY, MARGARET B

ART UNIT	PAPER NUMBER
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1714

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DATE MAILED 12 20 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1714

DETAILED ACTION

The following is a quotation from the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "combination thereof and mixture thereof" is confusing because it is unclear that the terms "combination" and "mixture" are different or if they are the same. Clarification to the record is requested.

Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is lack of support for the seal in claim 9 (and its dependent claims) that depends from claim 1 directly that does not provide for a seal.

Claims 12 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is lack of support for the seal in claim 12 (and its dependent claims) that depends from claim 1 directly that does not provide for a seal.

The specification does not provide any support for the seal in claim 12 (and its dependent claims) that depends from claim 1 directly that does not provide for a seal.

There is lack of support for the porous member in claim 13 (and its dependent claims) for the retention member that depends from claim 1 that does not provide for a porous membrane.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is lack of support for a retention member in claim 13 directly and claim 1 indirectly that does not provide for said retention member.

Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 does not provide a further limitation of claim 24 and therefore is indefinite.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent only if

(b) the invention was not known or used by others in this country or a foreign country or in public use or on sale in this country prior to the date of the invention, or the date of application for patent in the United States.

Claims 1, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 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into the circulating coolant in the operation of motor vehicles, e. g. including diesel engines, see column 1, lines 3-12.

The container 10 is further defined in Figure 2 having a cylindrical shape or bowl shaped casing with two or more inlets (31) and outlets (32), coolant permeable elements (39), and an outer coating that is porous and fuel-permeable, see column 2, lines 36-43, and provides for the SFA to be in particulate form or some other form that would not be in the conventional liquid form, see column 7, lines 44-51.

Hudgens further provides for the inclusion of diffusion elements (72) or diffusion passage or orifice (57), filter element (41) and (43), end plates (46) and (64), a porous membrane referred to as (71) and (73) that anticipates the instant claimed container seal assembly and a fuel permeable assembly.

The examiner's position is that the prior art directed to an apparatus claim and the permeable of the said claim is directed to a fuel permeable additive. Thus it is the examiner's position that the fuel additive of claims 1 and 10-22 has been considered, but it does not form part of the instant claim.

Although Hudgens recites that the elements are fuel-permeable, it is the examiner's position that the instant claim comprises the same or major base components of the fuel permeable additive. It is reasonably expected to be fuel permeable. The instant claim is directed to the same components of Hudgens

containers, see column 1, lines 3-12, and the instant claims

Claims 1-2, 4, 5, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wright et al. (Wright) 5,580,359.

Wright teaches a cylinder two-part container of plastic material with a fuel inlet and a fuel outlet, a permeable mesh disc, a fuel additive and a pair of magnets wherein fuel passes through the mesh disc, see column 2, lines 26-56 and figures 1-3 that anticipates the instant claims.

Claims 1-2, 4, 5, 20 and 26-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Thunker et al. (Thunker) 5,475,457.

Thunker teaches a device for containing a fuel composition comprising an inlet and a cylindrical body comprising permeable material, see figures 1 and 2 and column 2, lines 12-44 that anticipate the instant claims.

Claims 1-2, 4, 5, 20, 21 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Thunker et al. (Thunker) 5,545,217.

Thunker teaches a device comprising an inlet and outlet and a cylindrical body comprising permeable material, see figures 1 and 2, further comprising a cap (5) and plug (6) wherein fuel passes through the permeable material that anticipates the instant claims.

Claims 1-2, 4, 5, 20, 21 and 22 are rejected under 35 U.S.C. 102(b) as being clearly by Beavatt et al. (Beavatt) 5,275,477.

Beavatt teaches a device comprising an inlet, an outlet, a basket

particulate materials that anticipates the instant claims. See figures 1 and 7-8 and column 2.

Claims 1-2, 4-6, 10 and 23-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brooks (U.S. 2,491,714).

Brooks teaches a cyclone separator comprising an inlet, an outlet, screens and particulate material. See figure 1 and column 1-2 that anticipates the instant claims, see figure 1 and columns 1-2.

Claims 1-2, 4-6 and 23-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Arroyo (U.S. 2,813,271).

Arroyo teaches a cylindrical device for treating a fuel comprising an inlet, an outlet, and a metal bar. See figure 1 and column 1, line 43 to column 2, lines 1-68 that anticipates the instant claims.

Claims 1-10, 15, 17, 19, 21, 23-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Makino (U.S. 2,115,561).

Makino teaches a cyclone separator comprising an inlet, an outlet and particulate material additive. See figure 1 and column 1-2 that anticipates the instant claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this rejection:

103(a) A patent may not be obtained though the invention is not previously disclosed or described as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious to one of ordinary skill in the art before the effective filing date of the claimed invention.

Claims 28-30 are directed to a method of determining a value of a parameter being unpatentable over Makino et al (Makino) 5,955,531 or Brown et al (Brown) 5,028,028 in view of Hudgens et al (Hudgens) 5,662,775 and Mitchell et al (Mitchell) 5,741,433.

Beavans teaches a device comprising a cylinder, an inlet, an outlet, a basket comprising part of the cylinder and rotating tools; see figures 1 and 7-8 and column 2.

Both, Max. and Min. values are shown. The method for releasing additives from a bowl-shaped container is described in the patent comprising at least partially permeable filter including a porous support.

Hudgens teaches bowl shape containers, see figures 1 and 2, fuel permeable element comprising at least partially dissolved seal, or including a porous membrane, or at least including a semi permeable filter membrane, see column 5, lines 36-65, with a SEA material disposed within the container, see column 5, lines 58-60, that includes phosphate/molybdate seal material, see column 5, lines 61-65.

Mitchell teaches a method for releasing supplemental coolant additives (SCA) that includes the alkali metals in granular or particulate form, see column 4, lines 26-27.

It would be obvious to the artisan to attempt to use the bowl-shaped container of Hudgens as a substitute for the cylindrical shaped container of Makino or Beavans. It is the position of the examiner that the shape of the container does not lend patentability properties to the container in the absence of evidence of record to the contrary.

It would be obvious to the artisan to attempt to prepare and use the fuel permeable element of the present invention with the fuel elements of Makino and Beavans because the fuel elements of the present invention have the same composition and the fuel elements of the secondary references would be used in the use of the fuel of the primary references.

The prior art does not apply to the present invention's containers, seal assemblies and methods comprising slow release of the sealant.

Very truly yours,


Patent Examiner

Art Unit: 1714

308-2518. The examiner can normally be reached on Monday-Friday from 7:30am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached at 703-306-2777. The fax phone number for the office where this case or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature related to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


MARGARET MEDLEY
PRIMARY EXAMINER

M.B. Meldey/om
December 11, 2009